the purpose of taking account of persons under his command or charge, or abiding in any building in his possession, charge or control, on the night immediately preceding the day to be appointed for the making of such enumeration.

(*2*) Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Commissioner in that behalf.

Returns of houseless persons.

460. The Commissioner shall obtain, by such means as shall appear to him best adapted for the purpose and as shall be sanctioned by Government, returns of the particulars required for the purpose of the census with respect to all houseless persons, and all persons who during the said night preceding the day to be appointed for the making of such enumeration were on out-door night-duty, or for any other reasons were not abiding in any building of which account is to be taken by the enumerators.

CHAPTER XVII.

BY-LAWS.

By-laws for what purpose to be made.

461. The corporation may from time to time make by-laws, not inconsistent with this Act, with respect to the following matters, namely :—

(*a*) regulating, in any particular not specifically provided for in this Act, the construction, maintenance and control of drains, ventilation-shafts or pipes, cesspools, water-closets, privies, latrines, urinals, drainage-works of every description, whether belonging to the corporation or to other persons, municipal water-works, private communication-pipes and public streets ;

(*b*) regulating all matters and things connected with the supply and use of water ;

(*c*) the structure of walls, foundations, roofs and chimneys, [1][the number and position of staircases], [2][the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns] of * [3] buildings, for securing stability and the

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[1] These words were inserted by s. 17 (*1*) (*a*), of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] These words were inserted by s. 56 (*1*) (*b*), of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] The word "new" was repealed by s. 53 (*1*) (*a*) *ibid*.

prevention of fires [1] [and the safety of the inmates in the event of fire] and for purposes of health ;

[2][(*cc*) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;]

(*d*) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

[3][(*dd*) the provision and maintenance of suitable means of access to buildings ;]

(*e*) the provision and maintenance of house-gullies ;

(*f*) the control and supervision of all premises used for any of the purposes mentioned in section 394, and of all trades and manufactures carried on therein [4][and the prescribing and regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of any such premises ;]

(*g*) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers ;

(*h*) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by such persons for containing milk ;

(*j*) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;

(*k*) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold ;

(*l*) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city ;

(*m*) regulating the use of any municipal market-building, market-place or slaughter-house or any part thereof ;

(*n*) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein ;

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[1] These words were inserted by s. 17 (*1*) (*b*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] Clause (*cc*) was inserted by s. 56 (*2*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] Clause (*dd*) was inserted by s. 56 (*3*) *ibid.*

[4] These words were added by s. 12 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom Act 1 of 1916), Vol. V of this Code.

[1][(*o*) (*i*) preventing the use in the city of weights and measures other than such as have been verified with the local standards provided under section 418 and duly stamped under section 419 and providing for entry without notice into premises for the purpose of inspection of weights and measures, and (*ii*) publishing a price current.]

[2][(*oo*) the licensing of hand-carts, other than those exempted from taxation under section 181 or those plying for hire in respect of which licenses have been issued under Bombay Act No. VI of 1863, and the seizure and detention of any such hand-carts that have not been duly licensed.]

(*p*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community ;

(*q*) facilitating and securing complete and accurate registration of births and deaths ;

(*r*) the registration of marriages ;

(*s*) facilitating, when requisite, the taking of a census and securing accurate returns ;

(*t*) regulating the delegation of the powers and duties of the standing committee to sub-committees ;

(*u*) assigning the functions of the * [3] Schools Committee under sub-section (*10*) of section 39, [4] [and] regulating the exercise by the said committee of its functions so assigned * * *[5];

(*v*) determining the constitution, powers and duties of any committee which the corporation may appoint under section 40 or 41 ;

[6][(*vv*) securing the protection of public parks, gardens and open spaces vested in or under the control of the corporation from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;]

(*w*) carrying out generally the provisions and intentions of this Act.

Punishment may be imposed for breach of by-laws.

462. In making a by-law under the last preceding section, the corporation may provide that a breach of it shall be punishable with fine which may extend to twenty rupees and, in the case of a continuing breach, with fine which may extend to ten rupees for every day, after conviction for the first

[1] This clause was substituted by s. 3 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 4 of 1921), Vol. V of this Code.

[2] This clause was inserted by s. 17 (*2*), of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[3] The word " joint " was repealed by s. 20 (*a*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[4] The word " and " was inserted by s. 20 (*b*) *ibid.*

[5] The words " and of the functions assigned to it under sub-section (*9*) of the said section, and regulating the administration by the said committee of the school-fund under sub-section (*7*) of the said section " were repealed by *ibid.*

[6] This clause was inserted by s. 32 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues.

By-laws to be confirmed by Government.

463. No by-law, made under either of the two last preceding sections, shall have any validity unless and until it is confirmed by Government.

Commissioner to lay draft by-laws before the corporation for their consideration.

464. It shall be the duty of the Commissioner from time to time to lay before the corporation for their consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of and purpose of this Act.

Hearing by corporation of objections to proposed by-laws.

465. (*1*) No by-law shall be finally approved by the corporation, unless notice of the intention of the corporation to take the same into their consideration has been given by advertisement in the Bombay Government Gazette and in the local newspapers six weeks at least before the day of the meeting at which the corporation finally consider such by-law.

(*2*) The corporation shall, before approving the by-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting ; and any person desiring to object to a by-law, on giving written notice to the president of the corporation, not less than ten days before the day of the said meeting, of the nature of his said objection may, by himself or his counsel, attorney or agent, be heard by the corporation thereon at the said meeting, but not so as that more than one person be heard on the same matter of objection.

Proposed by-law to be open to public inspection.

466. (*1*) For one month at least before the day of the meeting at which the corporation finally consider a by-law, a printed copy of such by-law shall be kept at the chief municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge.

(*2*) Printed copies of the proposed by-law shall also be delivered to any person requiring the same on payment of such fee, not exceeding one rupee for each copy, as shall be prescribed by the Commissioner.

By-laws confirmed by Government to be published in the Bombay Govennment Gazette.

467. When any by-law has been confirmed by Government, it shall be published in the Bombay Government Gazette, and thereupon shall have the force of law.

Printed copies of by-laws to be kept on sale.

468. (*1*) The Commissioner shall cause all by-laws from time to time in force to be printed and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of a fee of two annas for each copy.

(2) Notice of the fact of copies of the by-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers.

(3) Boards, with the by-laws printed thereon or with printed copies of the by-laws affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

Boards for exhibiting by-laws to be open to inspection and not to be injured.

469. (1) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same.

(2) No person shall, without lawful authority, destroy, pull down, injure or deface any such board.

Government may repeal by-laws.

470. (1) If it shall at any time appear to the Governor in Council that any by-law should be [1][modified or] repealed either wholly or in part, he shall cause his reasons for such opinion to be communicated to the corporation and prescribe a reasonable period within which the corporation may make any representation with regard thereto which they shall think fit.

(2) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Governor in Council may at any time, by notification in the Bombay Government Gazette [1][modify or] repeal such by-law either wholly or in part: [2][Provided that no by-law shall be modified or repealed in part only by the Governor in Council if, within the period aforesaid, the corporation have objected to a modification or partial repeal thereof.]

(3) The [1][modification or] repeal of a by-law under sub-section (2) shall take effect from such date as the Governor in Council shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the Bombay Government Gazette, except as to anything done or suffered or omitted to be done before such date.

(4) The said notificaton shall also be published in the local newspapers.

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[1] These words were inserted by s 57 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This proviso was substituted for the original proviso by *ibid*,